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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,709	10/18/2001	Andrew C. Gilbert	01-1041	8648
63710 7590 06/09/2009 DEAN P. ALDERUCCI CANTOR FITZGERALD, L.P. 110 EAST 59TH STREET (6TH FLOOR) NEW YORK, NY 10022				
EXAMINER WINTER, JOHN M				
ART UNIT 3685		PAPER NUMBER		
MAIL DATE 06/09/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: ANDREW C. GILBERT, MARIANN GILBERT,  
ANDREW STERGIOPOULOS and ANGELA STERGIOPOULOS

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Application No. 09/982,709  
Technology Center 3600

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Mailed: June 8, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 1, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

**AMENDMENT NOT CONSIDERED**

Appellant(s) filed an Amendment dated April 24, 2009. There is no indication on the record that the Examiner has considered the Amendment filed on April 24, 2009. Appropriate correction is required.

**CONCLUSION**

Accordingly, it is

**ORDERED** that the application is electronically returned to the Examiner:

- 1) consider the Amendment filed April 24, 2009 as required; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

DEAN P. ALDERUCCI  
CANTOR FITZGERALD, LP  
110 EAST 59<sup>TH</sup> STREET, 6<sup>TH</sup> FLOOR  
NEW YORK, NY 10022